

University of Richmond UR Scholarship Repository

Historic Law School Exams

T.C. Williams Law School Archives

5-17-1967

T. C. Williams School of Law, University of Richmond: Torts Exam, 17 May 1967

University of Richmond

Follow this and additional works at: <http://scholarship.richmond.edu/historicexams>

Recommended Citation

University of Richmond, "T. C. Williams School of Law, University of Richmond: Torts Exam, 17 May 1967" (1967). *Historic Law School Exams*. 9.

<http://scholarship.richmond.edu/historicexams/9>

This Book is brought to you for free and open access by the T.C. Williams Law School Archives at UR Scholarship Repository. It has been accepted for inclusion in Historic Law School Exams by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

1. P asked G, his gardner, to accompany P's seven-year- old son, S, to school and to keep an eye on him all the way. S and G set out, S carrying an apple in his hand. The two were passing an apple orchard en route to the school when a group of children suddenly rushed from the orchard, most of them carrying apples they had picked from the trees. They ran furiously in the direction of the school, shouting "Never catch us, Fatso." S, unaware of the theft and thinking that the group was engaged in a game, left G behind and ran to join the children, shouting the same slogan. F, a farmer who owned the apple orchard and who was known colloquially as Fatso, then emerged from the orchard on the sidewalk behind S. He pursued and caught S, seizing the hand carrying the apple and causing S to fall on the sidewalk. F held him there. G, alarmed at what he saw, arrived in time to hear F shout: "You no good kid, now you are in for it." G, who was somewhat hard of hearing, did not hear the rest of what F said: "Stealing my apples! I'll hold you here 'til I get your name, and then I will report you to the police." G hit F on the chin. F fell, and S, in a rage, started punching him. S and F suffered bruises and cuts. What, if any, are the liabilities of the parties? Why or why not?

2. D takes pride in her highly polished floors and has them waxed and polished once a month by A Company, a firm engaged in this business. The floors were done on January 5 and that evening M, while baby-sitting for her daughter, D, stepped on a rug which slipped causing her to fall injuring her knee. P, a physician, treated the knee over a period of two years at the end of which time it seemed to be entirely normal. Eighteen months after her first fall and due to her knee injury, M again fell and fractured her hip. P then began to treat both injuries. During the course of the treatments and during M's supposed recovery, P failed to recognize a non-union of the neck of the femur. This resulted in a long period of corrective treatment by another physician who diagnosed the problem accurately. From whom, if anyone, and for what, if anything, may M recover? Why or why not?

3. Hurts rents a car to A, representing that the gasoline tank is full although it is nearly empty. Twenty minutes later, while A is driving in lane 2 of a 6-lane highway (the lanes being numbered 1 to 6 beginning on A's right), the car runs out of gas. Heavy traffic prevents A from pulling across lane 1 and over to the shoulder before stopping. A gets out and, after noting the gasoline gauge still registers full (it is stuck), raises the hood and is trying to find the trouble when the car is struck from behind by a car driven by B. A is injured and both cars are damaged. What liabilities, if any? Why or why not?

4. Under penalty of \$1,000 fine, a state statute provides that "the owner and/or tenant of a multiple office building shall provide adequate and safe means of exit therefrom." P is an eighteen-year-old female student at a school conducted by the defendant tenant on the eleventh floor of a building owned by defendant landlord. She attended a class scheduled to end at 9:00 p.m. At about 8:30 a power failure in the area of several states blacked out the building, stopping all elevators. P with the aid of her flashlight walked down the inside fire exit stairway eleven flights, thence through a fire exit door to the freight elevator platform in the alleyway of the premises. She found the gate at the end of the alley closed so she could not get to the street. She then found she was unable to reenter the building because the fire exit door had locked behind her. She remained there until her parents called for her in the family car at 9:00 p.m. Seeing her daughter's predicament and fearing she would have to remain in the enclosed alleyway all night, P's mother became hysterical and later suffered headaches and nausea. Finally P tried to climb over the locked gate and while doing so injured one of her hands. What liability, if any, to P for her injured hand? What liability, if any to the mother? Why or why not?

5. X Corporation employed an accounting firm to prepare a financial statement of the corporation which it stated it wished to use in seeking a loan from B Bank, as a first choice, but if B refused then some other lending institution. B refused the loan. X then went next door and exhibited the statement to C Bank and obtained the loan. Through negligence the statement omitted a large account payable. With the new capital secured from C the corporation took on new financial life and prospered. Unfortunately a tornado completely destroyed its plant which was not insured against this risk. Unable to collect the entire loan from X, C now seeks to hold the accounting firm liable for the balance. May it do so? Why or why not?

END